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10/043,213	01/14/2002	Kazuhiro Sakata	8006-1002	6194

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EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/043,213	Applicant(s) SAKATA, KAZUHIRO	
	Examiner Jude J. Jean-Gilles	Art Unit 2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |



### **DETAILED ACTION**

This Action is in regards to the Reply received on 12/16/2005.

#### ***Response to Amendment***

1. This action is responsive to the application filed on 12/16/2005. Claims 1, 2, 5, 12, 21, 22, and 23 were amended. Claims 1-23 are pending. Claims 1-23 represent a method and apparatus for an "message reception device, message reception method, and program for receiving message is recorded."

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-23 have been carefully considered, but are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground of rejection as explained here below, necessitated by Applicant substantial amendment (i.e., a method ... so that after each time interval, range the assessment means assesses whether the current geographic position is within the geographic position range in order to deliver the identified message at a time when the device is within the geographic position range...) to the claims which significantly affected the scope thereof.

The dependent claims stand rejected as articulated in the First Office Action and all objections not addressed in Applicant's response are herein reiterated.

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in

view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al (Rubin), Patent No. 6,108,365 in view of Amro et al. (Amro), U.S. Patent No. 6,292,747 B1.

Regarding **claim 1**, Rubin discloses the invention substantially as claimed.

Although Rubin teaches a message reception device comprising:

a portable message reception means for receiving a message through a network(fig.2, item 12; column 10, lines 39-48);

message filter means for screening messages for a valid range including a valid geographic position range from said received messages, to identify a message with a valid geographic position range (column 11, lines 14-45; column 27, lines 10-65);

positioning means for measuring a current geographic position of the message reception means (column 11, lines 14-45; column 27, lines 10-65); and

message delivery means delivering the identified message received by said message reception means or selected by said message delivery assessment means to a user(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

wherein, upon the current geographic position being determined to be within the geographic position range, the identified message is delivered to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62). However, Rubin does not disclose in details the step of "message delivery assessment means for repeatedly, based assessing whether the on a standby period of time interval, current geographic position is within the geographic position range of the identified message so that after each time interval, the assessment means assesses whether the current geographic position is within the geographic position range in order to deliver the identified message at a time when the device is within the geographic position range.

In the same field of endeavor, Amro discloses a (...The communication device is typically mounted in a first vehicle and includes a location device, such as a global positioning system receiver, suitable for determining the first vehicle's geographic position, a wireless transceiver enabled to communicate with a wireless transceiver of a second vehicle within a wireless range of the first vehicle, and a processor connected to the wireless transceiver and the location device. The processor is able to use the wireless transceiver and the location device to broadcast travel information of the first vehicle and to identify the presence of the second vehicle. The processor may also be enabled to display the position of the second vehicle on a display screen of the

communication device or to enable the first vehicle to communicate with the second vehicle...) [see *Amro*, column 1, lines 46-62; column 3, lines 55-67].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Amro's teachings of a method and apparatus message delivery assessment means for repeatedly, based assessing whether the on a standby period of time interval with the teachings of Rubin, for the purpose of providing network that facilitates the gathering and distribution of travel information to enable travelers of all types to determine the identity or existence of other travelers in their vicinity and to communicate with these travelers thereby resulting in more efficient, safe, and comfortable travel as stated by *Amro* in lines 38-44 of column 1. By this rationale **claim 1** is rejected.

Regarding **claim 2**, The combination Rubin-Amro discloses a message reception device as set forth in claim 1:

further comprising message storage means for storing the identified message, and wherein the valid geographic position range comprises a fixed geographic position and a distance from the fixed geographic position and the received message is an e-mail (see Rubin, column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62; see *Amro*, column 1, lines 46-62; column 3, lines 55-67).

Regarding **claim 3**, The combination Rubin-Amro discloses a message reception device as set forth in claim 1, wherein the screening of the messages for a valid range

by said message filter means is targeted to messages satisfying a predetermined condition (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 4**, The combination Rubin-Amro discloses a message reception device as set forth in claim 3, wherein the predetermined condition for screening the messages for a valid range by said message filter means, is a sender of the message with a valid range, the valid range being a message sender who is expected and who is not unwanted by the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 5**, The combination Rubin-Amro discloses a message reception device as set forth in claim 2, wherein

said message storage means comprises clock means, said clock means sets time limit of validity to the identified message, said clock means stores time limit of validity, and said clock means deletes the identified message when the time limit of validity has been exceeded (column 12, lines 40-67; column 13, lines 1-67); after each time interval, the assessment means assesses whether the current geographic position is within the geographic position range in order to deliver the identified message at a time before the time limit of validity is exceeded, when the device is assessed to be within the geographic position range(see *Amro*, column 1, lines 46-62; column 3, lines 55-67), and

after the time limit of validity, the assessment means discontinues assesses whether the current geographic position is within the geographic position range in order

to deliver the identified message (see *Amro*, column 1, lines 46-62; column 3, lines 55-67).

Regarding **claim 6**, The combination Rubin-Amro discloses a message reception device as set forth in claim 5, wherein the time limit of validity is after a given time period from the time when the identified message is stored (column 12, lines 40-67; column 13, lines 1-67).

Regarding **claim 7**, The combination Rubin-Amro discloses a message reception device as set forth in claim wherein the time limit of validity is indicated in a validity information found within the identified message (column 12, lines 40-69; column 13, lines 1-67).

Regarding **claim 8**, The combination Rubin-Amro discloses a message reception device as set forth in claim 1 wherein the assessment within the valid geographic position range said message delivery assessment means is performed to determine whether the measured current geographic position is within a predetermined radius centered on a center position of the valid geographic position range and the current geographic position is determined by a Global Positioning System (column 17, lines 30-67).

Regarding **claim 9**, The combination Rubin-Amro discloses a message reception device set forth in claim 2 wherein, when receiving the identified message, said message filter means i) delivers the message by said message delivery means to the user, and ii) stores, in said message storage means, the identified message with a valid

range if a content of the valid range is a content specified by the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 10**, The combination Rubin-Amro discloses a message reception device as set forth in claim 1, wherein

said message delivery means

i) assesses whether a pointer external information, is included in the information, pointing to identified message (column 17, lines 30-67);

ii) upon determining the identified message includes the pointer information, obtains the information, pointed to by the pointer information, from the network (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

iii) delivers the obtained information to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 11**, The combination Rubin-Amro discloses a message reception device as set forth in claim 1, wherein

said message delivery means is a device separated from a main body of the message reception device (fig. 18; column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 12**, The combination Rubin-Amro discloses a message reception method comprising the steps of :

at a portable e-mail reception device, receiving messages through a network (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62; see *Amro*, column 1, lines 46-62; column 3, lines 55-67);

repeatedly screening the received messages, on a regular basis, to identify messages with a valid range including a valid geographic position range and storing the identified messages including the corresponding valid geographic position ranges (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

measuring a current geographic position of the portable reception device (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

selecting, from the stored identified messages, a message with a valid geographic position range for which the measured current geographic position within valid geographic position range(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62); and

delivering the selected message to user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

wherein, at a first time when the current geographic position is determined to be outside the stored valid geographic position ranges, no stored message is delivered, and at a later second time upon the current geographic position being determined to be within one of the stored valid geographic position ranges, the corresponding one of the stored messages is delivered to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62; see *Amro*, column 1, lines 46-62; column 3, lines 55-67).

Regarding **claim 13**, The combination Rubin-Amro discloses a message reception method as set forth in claim 12, wherein the screening of the messages a valid range is targeted to messages satisfying a predetermined condition (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 14**, The combination Rubin-Amro discloses a message reception method as set forth in claim 13, wherein the predetermined condition for screening is a sender of the message being included in a valid sender range (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 15**, The combination Rubin-Amro discloses a message reception method as set forth in claim 12, wherein the message with a valid range is stored by setting a time limit of validity to the message with a valid range, and the message with a valid range whose time limit of validity has been exceeded is deleted (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 16**, The combination Rubin-Amro discloses a message reception method as set forth in claim 15, wherein the time limit of validity of the message with a valid range after a given time period from the time when the message a valid range is stored (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 17**, The combination Rubin-Amro discloses a message reception method as set forth in claim 16, wherein the time limit of validity of the message with a valid range is the time limit indicated in the limit of validity information included within the message a valid range (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);.

Regarding **claim 18**, The combination Rubin-Amro discloses a message reception method as set forth claim wherein the assessment within the valid range made whether the measured e-a current geographic position within a predetermined

radius centered on a center position of the valid geographic position range (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 19**, The combination Rubin-Amro discloses a message reception method as set forth in claim wherein the message received from said network is delivered user when the message is received, and the message is stored if the message includes a content within a valid range specified by the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 20**, The combination Rubin-Amro discloses a message reception method as set forth in claim 12, wherein delivery of the message with valid range to a user is performed by obtaining from the network external information pointed to by a pointer information when the pointer information included the message with valid range, and delivering the obtained information to the user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

Regarding **claim 21**, The combination Rubin-Amro discloses a program receiving messages which controls a computer to perform message reception processing, comprising the functions of:

at a portable reception device, a function of receiving a message through a network (fig.2, item 12; column 10, lines 39-48);

a function of repeatedly at a given period of time, screening received e-mail messages to identify messages with a valid range including a valid geographic position range(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62; see *Amro*, column 1, lines 46-62; column 3, lines 55-67); and

a function of storing an identified message with a valid geographic position range in a message storage unit, and delivering a message which was not identified to include a valid geographic position range to a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62; *see Amro, column 1, lines 46-62; column 3, lines 55-67*).

Regarding **claim 22**, The combination Rubin-Amro discloses a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of:

a function of measuring a current geographic position of the computer(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62);

a function of selecting, from plural e-mail messages with corresponding valid geographic position ranges, a selected message based on the selected message having a valid geographic position range for which the measured current geographic position found to be within(column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62; *see Amro, column 1, lines 46-62; column 3, lines 55-67*); and

a function of delivering the selected message to a user (column 11, lines 14-45; column 27, lines 10-65; column 28, lines 1-62).

***Allowable Subject Matter***

5. **Claim 23 is allowed.**

The following is a statement of reasons for the indication of allowable subject matter:

the prior art fails to show a program for receiving messages which controls a computer to perform message reception processing, comprising the functions of: a function of receiving messages through a network; a function of screening messages with valid range including a valid geographic position range from the received messages, the screening being repeatedly performed after each given period of time; a function of, storing the screened messages with a valid range in a message storage unit, and delivering message which was not screened and does not include a valid range a user ; a function of measuring a current geographic position of the computer; a function of selecting, from the stored messages, from the selected messages, a message with a valid range for which the measured current geographic position is within the valid geographic position range of the message; and a function of delivering the selected message to a user, wherein, at a first time when the current geographic position is determined to be outside the stored valid geographic position range of each stored message, no stored message is delivered, and at a later second time upon the current geographic position being determined to be within one of the stored valid geographic position ranges, the corresponding one of the stored messages is delivered to the user.

### ***Response to Arguments***

6. Applicant's Request for Reconsideration filed on 12/16/2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the

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likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

Applicant contends that the prior art of record does not teach "receiving and storing messages, e.g., e-mails, so that the messages can be delivered at a time when the message device is in an appropriate geographic location. In this way messages can be received and stored and at a first time, the current geographic position determined to be outside stored valid geographic position range of each stored message, no stored message is delivered. However, later second time, upon the current geographic position being determined to be within one of the stored valid geographic position ranges, corresponding one of the stored messages is delivered to the user."

As to "Point A" the Examiner is in agreement with the applicant that Rubin, alone does not teach all the limitations of the above mentioned claims. Accordingly, new patent of Amro is applied to reject the claims 1-22 over a prima facie case of obviousness (see rejection of claims 1-22 above). Claim 23 is allowed for the reason specified above.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

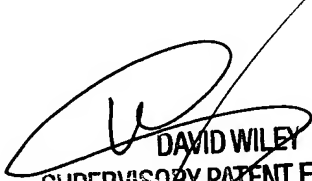
Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG 

March 03, 2006

  
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